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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,851	10/01/2001	Yoshiaki Kinoshita	Q66200	4036

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EXAMINER

BRINICH, STEPHEN M

ART UNIT PAPER NUMBER

2625

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,851

Applicant(s)

KINOSHITA, YOSHIAKI

Examiner

Stephen M. Brinich

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 5-8 is/are rejected.
7) ☒ Claim(s) 2-4, 9 and 10 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 & 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Sievert (US 6012792).

Re claim 1, Sievert discloses (Figure 4B, items 302 & 304; column 9, lines 22-46) an image data processing apparatus in which color image data (specifically, the colors cyan, yellow, magenta, as indicated at column 4, line 43) and black image data are each compared to a respective threshold value by a detector (i.e. the color image value is compared to the "COLOR THRESHOLD"; the black image value is compared to a "BLACK WITH COLOR THRESHOLD").

The image processing procedure then enters one of two modes. In the case where either of these thresholds is not exceeded, the path beginning with item 320 of Figure 4B is used

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to process the image data. In the case where both of these thresholds are exceeded, the path beginning with item 306 of Figure 4B is used to process the image data.

Re claim 5, the detection occurs as recited in the special case where the "COLOR THRESHOLD" and the "BLACK WITH COLOR THRESHOLD" are equal to zero.

Re claim 6, the detection occurs as recited in the special case where the "COLOR THRESHOLD" and the "BLACK WITH COLOR THRESHOLD" are equal to zero and the image data values are equal to 0 or 1.

Re claims 7-8, Sievert further discloses (Figure 2 "MEMORY UNIT") a stored computer program for causing a computer ("CONTROLLER" 88) to implement the described processing operations.

Allowable Subject Matter

3. Claims 2-4 & 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

Re claim 2, the art of record does not teach or suggest two modes, one of which is selected when the existence of a certain

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type of point or area is detected and which operates in a certain manner in response to the detected non-existence of such a type of point or area.

Re claim 3 (and dependent claim 4), the art of record does not teach or suggest the recited detection of position in conjunction with the recited set of threshold detections for color image data and black image data and the recited mode selection on the basis of the existence of certain detections.

Re claim 9 (and dependent claim 10), the art of record does not teach or suggest the recited erasure operation in conjunction with the recited set of threshold detections for color image data and black image data and the recited mode selection on the basis of the existence of certain detections.

Response to Arguments

5. Applicant's arguments in the Response filed 2/10/06 (page 6, line 12 - page 7, line 5) with respect to the rejection of claims 7-8 under 35 USC §101 and the rejection of claims 1-8 under 35 USC §112 have been fully considered and are persuasive. These rejections have been withdrawn.

6. Applicant's arguments filed 2/10/06 re the rejection of claims 1 & 5-8 under 35 USC §102 have been fully considered but they are not persuasive.

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Re the rejection of claim 1 under 35 USC §102, Applicant argues (page 8, lines 3-11) that the two modes of Sievert beginning with steps 320 and 306 of Figure 4B are not readable upon the claimed modes because one of the claimed modes is independent of the existence of the detecting sections (which Examiner has read upon the above described threshold determination means of Sievert).

However, one of the modes of Sievert (beginning with step 320) is used when at least one of the Sievert threshold determinations indicates that the threshold is not exceeded. In the case where a threshold exceeding condition does not exist, then the process will proceed forward (using the mode beginning with step 320) in the same manner as if there was no threshold detecting section output (as per Applicant's argument at page 7, lines 2-4).

Re claims 5-6, Applicant argues (page 8, lines 11-12) that these claims are allowable by virtue of their dependence from claim 1.

Applicant's arguments re the allowability of claim 1 have been addressed above.

Re claims 7-8, Applicant argues (page 8, lines 13-14) that these claims are allowable by virtue of recitations similar to those in claim 1.

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Applicant's arguments re the allowability of claim 1 have been addressed above.

Re claims 2-4, Applicant argues (page 8, lines 15-17) that these claims have been misunderstood by Examiner and are allowable based on their respective recitations.

As noted above, these claims are currently objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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8. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application or proceeding or any inquiry of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 703-308-4357.

The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

The examiner's unit designation has been changed from "Art Unit 2624" to "Technology Division 2625" (as of March 20, 2006).

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300 (as of July 15, 2005).

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Hand-carried correspondence may be delivered to the
Customer Service Window, located at the Randolph Building, 401
Dulany Street, Alexandria, VA 22314.

Stephen M Brinich
Examiner
Technology Division 2625

smb
May 2, 2006



THOMAS D LEE
EXAMINER